

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, October 20, 2003, 7:00 p.m.

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**Personnel Department**

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The Catawba County Board of Commissioners met in regular session on Monday, October 20, 2003, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes (arrived at 7:10 p.m.), Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Vice Chairman Hunsucker called the meeting to order at 7:05 p.m.
2. Commissioner Barger led in the Pledge of Allegiance to the Flag.
3. Invocation offered by Vice Chairman Hunsucker.
4. Commissioner Lail made a motion to approve the minutes from the regular session and closed session of Monday, October 6, 2003. The motion carried unanimously.
5. Special Guests: None.
6. Public Comment for items not on the agenda. None.
7. Presentation:
  - a. EMS Manager Bryan D. Blanton introduced Senior Master Sergeant Jim Rorie, North Carolina Air National Guard, as well as member of the National Committee for Employer Support of the Guard and Reserve. Sergeant Rorie said they have an awards program called "My Boss as a Patriot" where National Guard Members have the opportunity to recognize their employers for the support given them in their military endeavors. County employee Michael Howard, EMT Paramedic, nominated Catawba County for the support given him after being deployed to Fort Polk, LA. Mr. Howard will be deployed overseas in February 2004. Sergeant Rorie said 10 percent of all "My Boss as a Patriot" awards from August 2002 until July 2003 will be further recognized. He said Catawba County has been selected as one of the 10 percent and someone from the County will be invited to attend the annual employer recognition banquet to accept another award on January 30, 2004, at the Speedway Club, Lowes Motor Speedway. Vice Chairman Hunsucker accepted the Patriotic Employer Award on behalf of Catawba County.

**Chair Barnes arrived at 7:10 p.m.**

8. Public hearings:
  - a. Rezoning request of Ruby L. Strawser, Fred Edgar Wright, Rajni and Anil Patel to rezone a 15-acre portion of an existing 65.93-acre tract from R-2 Residential District to PD-SC(C) Planned Development-Shopping Center Community District. This property is located at 9512 W. NC 10 Hwy in the Plateau Small Area Planning District, 1,000-ft north of the Lincoln County border, further identified as Parcel Identification Number 2667-03-22-4486.

Assistant Planner Rich Hoffman said adjoining properties to the north are zoned residential with existing houses. There is also a small parcel zoned C-3 Commercial about 1,000-feet north that contains a commercial use. The adjoining 9.88-acre tract to the south is zoned C-2 Commercial and is developed with a small plaza containing Honey's grocery store and other commercial uses. The property to the east is a 39-acre tract and has been farmed. Across the County border is a mixture of commercial and residential uses. The 9.88-acre tract, where Honey's Plaza is located, was rezoned from R-2 Residential to G2 Commercial in 1993. Since 1993, the commercial uses that operate on this parcel have served the neighboring community favorably. The viability of this change of use can justify the need for other commercial considerations in this area. Rezoning the subject parcel to PD-SC(C) can serve

to expand the already established commercial district. A Planned Development is used when more than one principal structure is planned on a zoning lot and requires a site plan which allows more specific review of the request as opposed to a typical rezoning request which does not show any site specific details. Along with the physical layout of the property, the intended uses are specified on the site plan. The uses identified for this Planned Development are listed in the Zoning Ordinance as a use by right with the exception of the mini-storage units. Mini-storage uses are not specifically listed in any of the Planned Development districts, but are allowed in the C-2 and C-3 Commercial Districts and the E-1 and E-2 Industrial Districts. Where the developer has proposed the mini-storage use, the location is more in harmony with the neighboring properties, and allows for more design standards than may have otherwise been possible if a typical rezoning to a commercial district were approved. Examples of increased design standards that are shown on the site plan include: screening around the perimeter of the mini-storage units, limited driveway connections to Highway 10, landscaped medians within the parking areas, landscaped islands along Highway 10, and limited frontage of buildings along Highway 10.

Highway 10 is designated as a major collector road by the Catawba County Thoroughfare Plan, 1991. Major collector roads provide service to the larger towns not directly served by the higher systems and to other traffic generators of equivalent intra-county importance, such as consolidated schools, shipping points, county parks, significant mining and agricultural areas, etc. Major collector roads also link these places to routes of higher classification and serve the more important intra-county travel corridors. The most recent traffic counts are 5,200 Average Daily Trips (ADT) on Highway 10 near this parcel. The capacity of this road is 10,000 ADT. The Transportation Plan recommends the widening of Highway 10 west to 24 feet from Lincoln County to US 321. This is a first priority project in the Transportation Plan. The first part of this project will be widened to Highway 127 and will be funded through the North Carolina Moving Ahead Initiative.

Mr. Hoffman said *VisionQuest 2010: Catawba County's Comprehensive Plan* for this area designates this area as "Rural." Rural areas consist of farmland, open spaces and residential areas with the lowest development density. Limited public water or sewer is planned for rural growth management areas during the life of this plan. He reviewed the Land Use and Development Policies that applied to the request.

Mr. Hoffman reviewed Sections 44-462 (2) and 44-396 from the County's Zoning Ordinance.

Based upon the statement of intent of the PD-SC(C) district, policy statements in this report derived from the County's Land Use Plan, the procedures outlined in the Zoning Ordinance regarding the submitted site plan relating to parking, signage, buffering, and percent of imperviousness on the site due to watershed constraints, the location to existing commercial zoned properties, and the widening of Highway 10, staff recommends the rezoning of this property from R-2 Residential to a PD-SC(C) Planned Development-Shopping Center Community district with the following conditions:

1. To conform to the submitted site plan and other governmental agency approvals as required.
2. Approved driveway connection permits from the North Carolina Department of Transportation.
3. Staff to approve landscape plan prior to issuing zoning permits.
4. Require brick frontages for buildings facing Highway 10 and for fronts of buildings.

The Planning Board conducted a public hearing on September 29, 2003. The Planning Board felt more comfortable seeing a site plan attached to the rezoning request as opposed to a typical rezoning to a commercial district, which does not require a site plan. The Board mentioned that the developer might discuss creating interconnectivity to the adjoining Honey's commercial plaza to reduce a driveway connection on Hwy 10. They also had a concern regarding the distance separation of another driveway connection on Hwy 10. The Board wanted the developer to eliminate the northern most driveway and construct a road to State standards within the 60' right-of-way shown on the site plan to serve as the third entrance to the development. Staff will follow up with NCDOT and the developer regarding these issues.

As a follow up to the Planning Board's comments, staff has determined that Honey's parking lot is approximately 300 feet from the subject parcel's property line. Additionally, the developer has agreed to eliminate a driveway connection to Hwy 10 and use the new 60-foot right-of-way as the third entrance to this development, which is in accordance with the Planning Board's motion. Staff also discussed the entrances onto Hwy 10 with NCDOT. DOT has commented that they usually only allow up to two entrances onto a road from any single parcel but in certain cases they can allow more. The site plan was edited by the surveyor to conform to the Planning Board's comments.

The Planning Board unanimously recommended the rezoning of the property from R-2 Residential to a PD-SC(C) Planned Development-Shopping Center Community district with a subsequent request to the Board of Commissioners for approval with the following conditions:

1. To conform to the submitted site plan and other governmental agency approvals as required.
2. Approved driveway connection permits from the North Carolina Department of Transportation. To construct a road within the 60-foot right-of way as shown on the site plan as one of the required entrances into the development. The construction of the road and location of right-of-way will be subject to NCDOT approval.
3. Staff to approve landscape plan prior to issuing zoning permits.
4. Require brick frontages for buildings facing Highway 10 and for fronts of buildings.

Staff has followed up with the developer and recommends condition #4 to read:

- 4) The use of vinyl siding or unpainted cinder-block walls shall be prohibited, but the use of decorative, split-faced masonry products is permissible.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Ruby Wright Strawser, 9474 West NC 10 Highway, Vale, Heir, and adjoining property owner recommended that the Board rezone the property.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

Chair Barnes said she would not recommend painted cinder-block walls since this was an entryway into Catawba County.

County Attorney Robert Oren Eades said the County's Ordinance is written where the rezoning is a planned development and the Board has the ability to grant the rezoning and can impose modifications to the site plan. The site plan that has been submitted does not specify the surface of the buildings. He said the developer had voluntarily agreed to do certain things. If the board approved a modification the developer could not ignore the modification.

Mr. Eades then spoke with Mr. Patel and reported the decorative, split-faced masonry is acceptable with Mr. Patel.

After a lengthy discussion, Commissioner Lail made a motion to approve the aforementioned rezoning, conforming to the submitted site plan and other governmental agency approvals, approved driveway connection permits from NC Department of Transportation, staff to approve a landscape plan prior to issuing the zoning permits, and the use of decorative, split-faced masonry products. The motion carried unanimously.

- b. Rezoning request of Darlene Clontz Feege & Dennis Lee Clontz to rezone a 0.58-acre tract from R-2 Residential to OI Office- Institutional. This property is located in the Hickory Township on the northeast side of South NC 127 Hwy at the intersection of Frye Avenue and S NC 127 Hwy.

Assistant Planner Rich Hoffman said there is an existing house on the parcel. The plan is to convert the structure to a use that would be allowed in the OI Office-Institutional zoning district if the request were approved. The immediate neighboring properties across Frye

Avenue looking west along S NC 127 Highway are zoned O-I Office-Institutional and C-1 Commercial with existing businesses. Immediate neighboring properties to the north and east are zoned residential and have existing housing. Immediate neighboring properties to the south across South NC 127 Highway are in the City of Hickory's zoning district and are zoned commercially and have developed with commercial uses. One parcel across South NC 127 Highway is in the County's zoning district and is zoned O-1 Office-Institutional and has an existing use. Public water and sewer lines front this parcel. Connection would be through the City of Hickory if required. This parcel was considered twice in the past for rezoning. In 1993 the request was to change the zoning from R-2 Residential to C-1 Commercial. Staff supported the request, as did the Planning Board. The request was denied by the Board of Commissioners. There was opposition in the neighborhood to the rezoning request. In 1998 the request went back before the County to consider rezoning the parcel from R-2 Residential to O-I Office-Institutional. Staff supported the request, as did the Planning Board. The request was denied by the Board of Commissioners. There was much public opposition to the rezoning by the residents in the area who stated that they had concerns for the increased traffic on Frye Avenue. Some commissioners felt that Frye Avenue could be considered a dividing line between commercial and residential to the east and that allowing uses other than residential could produce a domino effect for future commercial requests. The vote was tied; therefore, the property was not rezoned. NC Highway 127 is designated as a major thoroughfare by the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). Major thoroughfares are defined as primary traffic arteries of the urban area. Their purpose is to move traffic from city to city and within urban areas; therefore, strip development and multiple driveway access is to be discouraged. The most recent traffic counts are 18,000 Average Daily Trips (ADT) on Hwy 127 at the subject parcel. The capacity of this road is 14,700 ADT, which is already exceeded. The State Transportation Improvement Program includes widening of Highway 127 to a multi-lane in front of this parcel. This is an unfunded project but is included in the 2004-2010 Transportation Improvement Program.

Mr. Hoffman said the Board of Commissioners adopted the Mountain View Small Area Plan on October 21, 2002. This plan is the current Land Use Plan for this area. The Plan identifies this area as a Highway Corridor. The highway corridor would contain a mix of uses; commercial, retail and office. The previous County Comprehensive Plan, VisionQuest 2010 designated this area as a "Transition Area." Land in these areas is typically less than half developed. Water and sewer service and road improvements are either planned during the life of this Plan or one or more of these services already exists. Growth pressures in the Transition Areas are often preceding the extension of services. He reviewed section 44-80 from the Zoning Ordinance.

The Planning Board conducted a public hearing on September 29, 2003. The Planning Board felt that the request is in line with the Mountain View Small Area Plan, that the rezoning of this particular property would not compound the traffic problems, and they also felt that Office-Institutional zoning is a better transition than a commercial use. The Planning Board unanimously recommended the rezoning of the property from R-2 Residential to O-I Office-Institutional with a subsequent request to the Board of Commissioners for approval.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Catherine Pitts, 2034 Frye Avenue, Hickory, presented photos of the back side of the property. She said there were 11 vacant buildings across the road in the Lowes Shopping Plaza and 72 residential homes in Clearview Acres. She recommended keeping the neighborhood residential.

Sharon Varnadorne, 2064 Frye Avenue, Hickory, said she has lived there in the neighborhood for 31 years and she opposed the rezoning.

Darlene Feege said she and her brother owned the property and recommended the rezoning. She said they were having a hard time renting residentially.

Jodie Delvechio said he is currently renting the residential property and if rezoned wants to turn the house into an Edward Jones investment office. He recommended the rezoning.

Teresa Travis said she was a resident in the development and would like it to remain residential.

There being no one else wishing to speak, Chair Barnes closed the Public Hearing

County Attorney Robert Oren Eades read the provisions that are in place for O and I zoning.

After a lengthy discussion, Commissioner Lail made a motion to approve the rezoning.

Voting aye: Lail and Beatty

Voting nay: Barnes, Barger and Hunsucker

Chair Barnes said the motion to rezone failed.

c. Update to Catawba County's Thoroughfare Plan.

County Planner Mary K. George said the Planning Board at its September 29, 2003, meeting received a presentation on the updated Thoroughfare Plan from Linh Nguyen, NCDOT Statewide Planning Group and that Mr. Nguyen would present the plan to the Board of Commissioners. She said Planning Board member Ed Neill encouraged the Board of Commissioners to not tolerate any further delays on the new or existing Hwy. 16 projects. Furthermore, he wanted NCDOT to consider widening the section of Hwy. 16 from Jones Fish Camp to Claremont Road to the greatest extent practical with passing and/or turning lanes for the safety of the traveling public. He suggested that NCDOT consider using "NC Moving Ahead" money for this effort.

Future transportation needs for the unincorporated areas of Catawba County are identified in two transportation plans: the Hickory-Newton-Conover Urban Area Transportation Plan and the County Thoroughfare Plan. The Urban Area plan identifies road deficiencies in the metropolitan planning areas surrounding the cities while the County Thoroughfare Plan addresses needs in the southeast and southwest corners of the County.

The County's current Thoroughfare Plan was adopted by the County and NCDOT in 1992. Due to tremendous growth in the County, especially in the southeastern section of Catawba County, many of the roads are beginning to exceed their carrying capacity. Using current traffic counts and revised traffic projections, new road improvements can be identified in an updated Thoroughfare Plan.

Early in 2001, County planning staff and NCDOT Statewide Planning staff reviewed population and growth trends in the rural portions of the County. This information was used to identify existing and future deficiencies in the County's road network, using a horizon year of 2025. Staff then developed a set of recommendations to alleviate the deficiencies found in the road system. The recommendations were based on future growth in the County and the capability of existing roads to handle the projected growth.

A new County thoroughfare plan map has been prepared which identifies different classifications of roads based on how they accommodate traffic. The classifications, ranging from larger traffic-moving roads to smaller roads, are: principal arterials, minor arterials, major collectors and minor collectors. The classification of a road is used for many purposes. The NCDOT uses adopted thoroughfare plans in evaluating funding projects for inclusion in the State's Transportation Improvement Program (TIP). The road classification designation provides additional weight for funding road projects such as road widening, intersection improvements, bridge replacements and road signalization. The County also uses the road designations to help direct certain land uses (such as schools, day cares, etc.) to those roads which can accommodate additional traffic. The County's Small Area Plans also recommend that driveway standards be applied to driveways that connect to arterial and collector roads due to safety issues.

The plan also identifies where new roads need to be constructed to more readily handle existing or projected traffic. The 1992 County Thoroughfare Plan identified only one new road to be constructed in addition to those already approved on the State's Transportation Improvement

Plan. The Robinson Road Extension project will extend southward from NC Hwy. 10 to West Maiden Road, just north of the Hwy. 321 intersection at Startown Road. This road will provide continuous travel from the Lake Norman area to Hickory's Hwy. 70 shopping opportunities, via West Maiden Road. It also will disperse traffic generated from future development in the Hwy. 321 corridor.

In comparing the 1992 Thoroughfare Plan map to the updated County Thoroughfare Plan map, there are four changes:

1. Designation of Plateau Road (SR 2036) as a minor collector road. This designation was added based on the existing and projected traffic and the need for an additional north/south collector road designation to serve the large area between two other collectors: Hickory-Lincolnton Hwy. (SR 1008) and Cat Square Road (1002).
2. Inclusion of the new NC Hwy. 16 project (TIP #R-2206) from the county line to existing Hwy. 16 at Tower Road (SR 1895). The designation of this new road as a proposed minor arterial was not included on the 1992 map.
3. Designation of the western end of Sherrills Ford Road (SR 1848) as an existing minor collector. This designation provides for consistency with the minor collector road designation for the remainder of Sherrills Ford Road.
4. Designation of West Bandy's Cross Road as a minor collector. This provides continuity from the minor collector designation of East Bandy's Cross Road to Balls Creek Road.

Staff recommended the Thoroughfare Plan map (which is on file in the Office of Planning Director) and adoption of a resolution.

Mr. Linh Nguyen said there are no additional "NC Moving Ahead" money as projects have already been selected and funded. He reviewed the Catawba County Thoroughfare Plan Study.

Thoroughfare Plan Baseline Date  
(Submitted to Planning Board on February 25, 2002)

1. Catawba County Transportation Plan

Purpose: to identify existing & future deficiencies of the transportation system in the county & propose a set of recommendations to alleviate these deficiencies.

Scope of Study: Area in the County that is outside of the urban areas:

- Hickory-Newton-Conover MPO
- Maiden Urban Area

Study Period: 2000 to 2025

2. Transportation Plan Study Components

- Roads & Highways (Thoroughfare Plan system)
- Bicycle
- Pedestrian
- Mass Transit

Road & Highways

Thoroughfare Plan System - A designated road network that serves as the backbone of the County transportation road system.

Functional Classification of the road in the Thoroughfare Plan System:

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector

Existing Deficiencies

- NC Hwy. 150

Design Year (2025) Deficiencies

- NC Hwy. 150
- NC Hwy. 16
- NC Hwy. 127

Other potential problem routes

- NC Hwy. 10 (East of SR 1002 - Old Shelby Rd.)
- Startown Road (North of US 321 interchange)
- Sherrills Ford Road (SR 1848)
- Balls Creek Road (SR 1810)

Recommended priority in implementation of road & highway improvements:

1. NC Hwy. 16 widening (included in State Transportation Improvement Program, TIP # 3100)
2. NC Hwy. 150 widening (included in State Transportation Improvement Program, TIP # 2307)
3. NC Hwy. 127 widening
4. Robinson Road Extension
5. NC Hwy. 10 (adding Left turn lane at major intersections)
6. Widen Sherrills Ford Road & Balls Creek Road
7. Widen other minor collectors

Environmental considerations for proposed improvements

- NC 150 - Terrell Historic District and lake crossings

Bicycle

- The County does not have a designated bicycle route system
- Study is underway spearheaded by the Bicycle & Pedestrian Unit of NCDOT and the Western Piedmont COG.
- Will be incorporated in the County Transportation plan once completed.

Pedestrian

- The County does not have a pedestrian plan

Mass Transit

- The rural portions of the County do not have regular service by a transit system
- The Piedmont Wagon, through the American Disability Act (ADA) program, provides some service in the rural portions of the County.

**Resolution No. 2003-45**  
**Adopting the Catawba County Thoroughfare Plan**  
**for Catawba County, North Carolina**

WHEREAS, Catawba County and the Statewide Planning Branch of the North Carolina Department of Transportation actively worked to develop a thoroughfare plan for the area outside of the Metropolitan Planning Organization (MPO) in Catawba County; and

WHEREAS, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a highway system that will serve present and anticipated volumes of vehicular traffic in the area outside of the MPO; and

WHEREAS, it is recognized that the proper movement of traffic within and through Catawba County is a highly desirable element of a comprehensive plan for the orderly growth and development of the County; and

WHEREAS, public input on the thoroughfare plan was sought through public meetings held with the County's Small Area Plan committees and the communities of Startown and Sherrills Ford; and

WHEREAS, after full study of the plan, and following a public hearing, the Board of Commissioners recognized the need to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED that the Catawba County Thoroughfare Plan as shown on the map dated February 25, 2002, be approved and adopted as a guide in the development of the highway system in Catawba County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

ADOPTED, this the 20th day of October 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

Attest:

/s/ Thelda B. Rhoney, County Clerk

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Beatty thanked Mr. Nguyen for all his hard work, and she made a motion to adopt the Thoroughfare Plan Map and the aforementioned Resolution. The motion carried unanimously.

d. 2003 Local Law Enforcement Block Grant.

Sheriff L. David Huffman said grants under this program can be used for virtually any purpose that supports law enforcement agencies and their officers. Agencies are required to accept the grant along with its assurances and certifications within 45 days of the award and draw down funds within 90 days. The Bureau of Justice Assistance will not release any funds to a grant recipient until an advisory committee meeting and a public hearing are held.

An advisory committee was formed with representation from specific groups to make non-binding suggestions on how the funds should be spent. Following are the members of the advisory committee:

Major Coy Reid, Catawba County Sheriff's Office  
James Gaither, District Attorney's Office  
Judge Greg Hayes, District Court Judge  
Rick Sherrill, Catawba County Schools  
Rev. Don Bledsoe, Covenant Christian Church

The Advisory Committee, along with Business Manager Sheriff's Office Jennifer Sumpter, the designated LLEBG contact, met Tuesday, September 23, 2003, and approved the following proposed uses of the funds:

- Tasers: For use in Patrol, Warrant, and Transport Divisions to provide officers with a non-lethal means of controlling and/or subduing a suspect (\$5,391)
- STAR Team Van Equipment: Funds will be used to equip the new STAR Team van to be purchased through Homeland Security Funds received by Emergency Management. (\$8,217)
- Digital Cameras: New higher resolution digital cameras for Investigations to take better quality photos at crime scenes. (\$2,100)

- Negotiator Team Van Equipment: Portable Radio, Bullhorn, and Siren. (\$700)
- SOS Team Equipment: Handheld GPS System. (\$400)
- Mobile Data Terminal: One MDT to be used by Civil Division. (\$5,500)

Sheriff Huffman said the Board of Commissioners at its October 6, 2003, meeting accepted the award of the 2003 Local Law Enforcement Block Grant from the U.S. Department of Justice/Bureau of Justice Assistance in the amount of \$20,077 and appropriated the grant funds along with the required cash match of \$2,231. The public hearing is held to accept public comment on the proposed uses of the funds.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Barger made a motion to move forward with the purchases with funds from the grant. The motion carried unanimously.

9. Appointments:

**Nursing and Rest Home Advisory**

Commissioner Lail made a recommendation to appoint Peggy Woods, 2009 - 10th Street Lane NW, Hickory, to replace Jesse Oglesby who resigned. Ms. Woods initial, one-year term will expire October 21, 2004.

**Juvenile Crime Prevention Council**

Commissioner Hunsucker made the following recommendations:

J. David Abernethy, Juvenile Defense Attorney category, to fill the unexpired term of Don Posey. The term expires June 30, 2004, plus an additional two-year term expiring June 30, 2006.

John Troy Autry, Office of Juvenile Justice, PO Box 728, Newton, County Commissioner Appointee, to replace Kristen Hull, unexpired term ending June 30, 2004, plus an additional two-year term expiring June 30, 2006.

LaShonda Glover, 317 - 34<sup>th</sup> Avenue Place, NE, Hickory, for person under age 18, term expiring June 30, 2005.

Commissioner Lail made a motion to approve the aforementioned appointments. The motion carried unanimously.

10. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Supplemental Appropriation of County Funds – Hazardous Mitigation Grant/Supplemental Hazardous Mitigation.

The Finance and Personnel Subcommittee recommended that the Board of Commissioners appropriate funds from the general fund in the amount of \$26,704. These funds will allow staff to utilize two Mitigation Grants awarded to the county. Each grant is a matching grant in the form of 75% Federal funds, and 25% local funds. The total of both grants equal \$26,704, of which \$20,150 is Federal money and \$6,554 is the local match. Staff signed a Memorandum of Agreement between the State of North Carolina and Catawba County, Project: HMGP-1312-PL-0025, to implement the initial Mitigation Grant in the amount of \$16,704 and staff is in the process of finalizing the supplemental funding of \$10,000. These funds will be used to hire a contractor to develop the plan. The Department of Homeland Security has made funds available for counties and municipalities through the State of North Carolina to develop a Hazard Mitigation Plan following the Winter Storm of 2000 which had a devastating impact upon parts of North Carolina. This Mitigation Plan will include the following:

Hazard Identification – Identify all hazards that are likely to affect the area and determine the relative frequency of occurrence and strength of said hazard.

Vulnerability Analysis – Assess the extent which people and property will be exposed to the hazards identified.

Capability Assessment – Identify the local authorities that will be responsible for plan adoption and administration

Identify General Goals & Objectives – Identify expected outcomes of the planning process and adoption of the plan.

Identify Mitigation Strategies – Identify actions that will assist in reaching the goals and objectives outlined above and meet the requirements of the Stafford Act and other state and federal guidance regarding mitigation activities.

Catawba County must develop a Hazard Mitigation Plan to include the county municipalities by January 2004.

<u>Revenue</u>		<u>Expense</u>	
110-260060-631835	\$20,150	110-260060-849055	\$26,704
ES Dept of Justice Grant		Hazmat Operations	
110-190050-690100	\$ 6,554		
Fund Balance Appropriated			

- b. Supplemental Appropriation of County Funds – Implementation of Department of Homeland Security FY 2003 State Homeland Security Grant Program (SHSGP).

The Finance and Personnel Subcommittee recommended that the Board of Commissioners appropriate funds from the general fund for the procurement of equipment in the amount of \$118,114 approved by a signed Memorandum of Agreement between the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, and Catawba County to provide federal reimbursements to state and local governments for the costs associated with purchasing equipment for chemical, radiological, nuclear and explosive (CBRNE) terrorism events. The Department of Homeland Security has made funds available to the State for purchasing the equipment as designated above to prepare for events involving Weapons of Mass Destruction. The State has issued to Catawba County, through a signed memorandum of agreement, the authority to spend up to \$118,114 which will be reimbursed to the County after the equipment has been purchased. The Catawba County Emergency Services Planning Committee, which is composed of fire, law enforcement, EMS, rescue, Emergency Services, County administration, Public Works and Public Health agencies, has approved the purchase of the following equipment for purchase under this grant program:

1. New Star Team Van - \$42,175
2. ACU-T Tactical Intelligent Interconnect System - \$14,805
3. Decontamination Equipment - \$32,265
4. Generator and Accessories - \$28,869

<u>Revenue</u>		<u>Expense</u>	
110-260060-631835	\$118,114	110-260060-984000	\$42,175
ES Dept of Justice Grant		Motor Vehicle	
		110-260060-985000	\$47,070
		Other Equipment	
		110-260060-870100	\$28,869
		Small Tools & Minor Equipment	

- c. Resolution to Approve Financing by Mountain View Fire Department.

Mr. Lundy said as a result of the five-year plan to improve fire district response and services to the Mountain View community, especially in the Advent Crossroads area near Bakers Mountain, the Mountain View Fire Department has begun a building project for a second station to be located at Advent Crossroads, located on Old Shelby Road. The Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Board of Commissioners must first approve the financing. A public hearing was scheduled and held by the fire department on September 16, 2003, after published notice, as required by the Internal Revenue Code. This is not considered a financial obligation of the county. The Finance and Personnel Subcommittee recommended the adoption of a resolution, required by Internal Revenue Code, stating that it approves the Mountain View Fire Department's entering into the tax-exempt financing of up to \$325,000 for construction of a fire station.

**Resolution No. 2003-44**  
**Resolution Approving the Financing by Mountain View Volunteer**  
**Fire Department, Inc. of up to \$325,000 for Construction of Fire Station**

WHEREAS, Mountain View Volunteer Fire Department, Inc. has determined to finance an amount of up to \$325,000 for construction of a fire station. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Fire Department has scheduled a public hearing on September 16, 2003, after published notice, as required by Internal Revenue Code. The Fire Department has reported the proceedings of such hearing to this Board.

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners that the County approves the Fire Department's entering into the financing, as required under Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

This 20th day of October, 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

d. Personnel Code Amendment - Sick Leave Transfer.

Mr. Lundy said the Board approve revisions to the Personnel Ordinance at its October 6, 2003, meeting and the section allowing former employees to receive credit for sick was accidentally omitted. The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve a personnel code amendment to reinstate the sick leave credit benefit to former employees who return to employment with the County within five years.

**Ordinance No. 2003-20**

BE IT ORDAINED that the Catawba County Code is hereby amended by adding a section, to be numbered 28-200, which said section reads as follows:

Sec. 28-200. Reinstatement and transfer of sick leave.

(a) A former employee who is reemployed by the county within five years from the date of separation shall be credited with the balance of sick leave at the time of separation, except when the employee retired under the Local Governmental Employees' Retirement system or when the terminated employee transferred the balance of sick leave to another employer. If the retired employee returns to permanent employment with the county, sick leave will begin with the balance of sick leave minus the amount of sick leave used toward creditable service for retirement purposes. If the terminated employee who transferred sick leave to another employer returns to work for the county, the sick leave balance reinstated will be the balance remaining after the transfer. The employee must be employed in a position that accrues sick leave.

(a b) Former employees reemployed by the county: Employees who return to employment with the County will be allowed to transfer the balance of sick leave from the former employer under the following conditions:

- (1) The former employer was a member of one of the divisions of the State Retirement System
  - (2) The employee does not have more than a fifteen (15) day period of unemployment between the former employer and Catawba County
  - (3) The employee did not retire from any unit under the State Retirement System, including Catawba County.
- (b c) Former Employees Who Retire:  
Any former employee who retired from Catawba County or any unit of the State Retirement System, and reported sick leave to the Retirement System, will not be allowed to transfer that sick leave to the County.
- (e d) Employees at the Time This Code is Adopted  
Any current employees at the time this Code is adopted, who have not been allowed to transfer all their sick leave from previous County employment, or eligible employment as allowed under this Code, will be allowed to do so. Appropriate documentation must be submitted and approved by the Personnel director.
- (d e) Any former employee of an agency which is a member of the state local governmental employee's retirement system or the state employees' retirement system or other systems under the department of state treasurer, who is hired by the county within 12 months of the termination with the former agency, shall be eligible to transfer the balance of sick leave available to the employee at the time of termination with the past employer. A written request for transfer of sick leave must be made to the personnel director within 90 days of employment by Catawba County. Proper documentation, as determined by the personnel director verifying accumulated sick leave hours must be received with the request. Sick leave transferred to the county in this manner is subject to all of the provisions of section 28-200.

(Code 1995; 270.125.1)

This 20th day of October, 2003.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

a. Hickory Public Schools (American Legion Property).

Finance Director Rodney N. Miller said Hickory Public Schools purchased the American Legion Property last year, with approval by the Board of Commissioners, for approximately \$1 million to expand the Hickory High School campus and connect the School and the building that houses the school's furniture program. On July 7, 2003, the Board approved the construction of an access road connecting the three properties, which allows students and staff to stay on campus at all times, thereby eliminating the potential liability associated with travel on a public road. In addition, with grading equipment and heavy machinery already on site during the construction of the access road, it was decided to proceed with the grading of two athletic fields and the installation of lighting and irrigation systems, as well as a parking area, which had been planned for the school in the future. The construction of a concession stand for \$300,000 was included as an alternate bid, but not recommended with the project. However, the installation of a sewer line to the future site and a concrete pad in the amount of \$40,000 was approved so that future construction of the concession stand would not interfere with existing infrastructure. Total funding for this project was \$559,290, including a 3% contingency. With the American Legion Project currently in process, three additional items have become necessary that were not included in the original project amount. Those items include the architect fee, the addition of storm drainage on the property, and two additional water lines and associated hydrants. The Purchase of Mobile Units Project was approved in 1999 to alleviate overcrowding in the Hickory Public School district. With construction of a new middle school underway, this project is no longer needed and can be closed. There is a current balance of \$44,880, which is the amount of the request. The Finance and Personnel Subcommittee recommended that the Board of Commissioners approve a budget transfer of \$44,880 from a completed Hickory City Schools Project (Purchase of Mobile Units) to the American Legion Project on the campus of Hickory High School for additional project expenses.

**October 20, 2003, MB #49**

420-750050-995427	Transfer to 97 School Bond Fund	\$44,880
420-750100-32150-4-03-865200	Mobile Classrooms	(\$44,880)
427-750050-695420	Transfer from Schools' Capital	\$44,880
427-750100-32104-3-09-865300	American Legion Project	\$44,880

Commissioner Lail made a motion to approve the aforementioned budget transfer of \$44,880 from a completed Hickory City Schools Project to the American Legion Project on the campus of Hickory High School for additional project expenses. The motion carried unanimously.

12. Attorneys' Report. None.
13. Manager's Report. None.
14. Other items of business. None.
15. Adjournment.

Chair Barnes said the November 3, 2003, 9:30 a.m., regularly scheduled Board of Commissioners meeting would be held at the Hickory Metro Higher Education Center (HMHEC), Catawba Valley Community College East Campus, located at 2550 Highway 70 SE, Hickory, North Carolina.

At 8:55 p.m. there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

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Katherine W. Barnes  
Chair, Board of Commissioners

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Thelda B. Rhoney  
County Clerk